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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,139	05/31/2001	Monte J. Rhoads	42390P11046	1934

8791 7590 12/13/2004

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EXAMINER	
ANYASO, UCHENDU O	
ART UNIT	**PAPER NUMBER**
2675	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/872,139	RHOADS, MONTE J.	
	Examiner	Art Unit	
	Uchendu O Anyaso	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-9,13,14 and 17-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-9, 13, 14 and 17-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. **Claims 7-9, 13, 14** and **17-27** are pending in this action.

Claim Rejections - 35 USC ' 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 7-9, 13, 14** and **17-24** are rejected under 35 U.S.C. 102(e) as being anticipated by *Bang* (U.S. 6,522,530).

Regarding **independent claim 7**, Bang teaches an apparatus comprising a rack mount server by teaching a computer system 10 that serves as a server (see column 1, lines 33-35) wherein a monitor 14 is capable of being mounted on the computer system (10) (see figure 1 at 10, 14, column 2, lines 17-20).

Furthermore, Bang teaches how the computer system has a front face via top cover 11 that provides a partial recess by means of the bracket accommodating portion 23 wherein display 14 is mounted within the bracket accommodating portion 23 as shown in configuration of figure 2 (see figure 2 at 11, 23, column 5, lines 58-63).

Also, Bang teaches how the display device 14 is movably coupled to the enclosure for multiple degrees of freedom of movement for the display device by teaching how the monitor 14 is capable of being both tilted (i.e., **moved up and down**), and swiveled (i.e., **moved in a**

horizontal direction) with respect to the main body 10 in order to facilitate being viewed at multiple angles (column 2, lines 3-10, figures 1, 5-8 at 10, 14; column 3, lines 61-67, figures 3, 4 at 10, 14).

Regarding **independent claim 14**, and for **claims 19-21**, Bang teaches an apparatus comprising a rack mount server by teaching a computer system 10 that serves as a server (see column 1, lines 33-35) wherein a monitor 14 is capable of being mounted on the computer system (10) (see figure 1 at 10, 14, column 2, lines 17-20).

Furthermore, Bang teaches how the computer system has a front face via top cover 11 that provides a partial recess by means of the bracket accommodating portion 23 wherein display 14 is mounted within the bracket accommodating portion 23 as shown in configuration of figure 2 (see figure 2 at 11, 23, column 5, lines 58-63).

Also, Bang teaches how the display device 14 is movably coupled to the enclosure for multiple degrees of freedom of movement for the display device by teaching how the monitor 14 is capable of being both tilted (i.e., **moved up and down**), and swiveled (i.e., **moved in a horizontal direction**) with respect to the main body 10 in order to facilitate being viewed at multiple angles (column 2, lines 3-10, figures 1, 5-8 at 10, 14; column 3, lines 61-67, figures 3, 4 at 10, 14).

Regarding **independent claim 18**, and for **claims 23** and **24**, Bang teaches an apparatus comprising a rack mount server by teaching a computer system 10 that serves as a server (see

column 1, lines 33-35) wherein a monitor 14 is capable of being mounted on the computer system (10) (see figure 1 at 10, 14, column 2, lines 17-20).

Furthermore, Bang teaches how the computer system has a front face via top cover 11 that provides a partial recess by means of the bracket accommodating portion 23 wherein display 14 is mounted within the bracket accommodating portion 23 as shown in configuration of figure 2 (see figure 2 at 11, 23, column 5, lines 58-63).

Also, Bang teaches how the display device 14 is movably coupled to the enclosure for multiple degrees of freedom of movement for the display device by teaching how the monitor 14 is capable of being both tilted (i.e., **moved up and down**), and swiveled (i.e., **moved in a horizontal direction**) with respect to the main body 10 in order to facilitate being viewed at multiple angles (column 2, lines 3-10, figures 1, 5-8 at 10, 14; column 3, lines 61-67, figures 3, 4 at 10, 14).

Regarding **claims 8** and **9**, in further discussion of claim 7, Bang teaches the tiltably attached display 14 is coupled with a tilting member 20 that allows incremental adjustment of the display 14 (column 3, lines 61-67, figures 3, 4 at 10, 14, 20).

Regarding **claim 13, 17** and **22** in further discussion of claims 7, 14 and 18, Bang teaches how the shaft 42 is secured in the shaft accommodating portion 44 of the rotatable bracket 33 by a set screw 43 wherein the shaft 42 is projected outside from both ends of the shaft accommodating portion 44 such that Monitor brackets 47 are respectively coupled to the opposite projected ends of the shaft 42 (column 5, lines 4-10, figures 3, 4 at 33, 42-44, 47).

Claim Rejections - 35 USC ' 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 25-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bang* (U.S. 6,522,530).

Bang does not teach explicitly a ball and socket joint attached within the body. However, Bang teaches how a monitor bracket 47 has a coupling part 49 inserted into the bracket accommodating portion 24 to be coupled therewith so that the monitor bracket 47 allows the monitor 14 to be tilted relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 24, 49, 51-53).

Thus, it would have been obvious to a person of ordinary skill in the art to modify Bang's bracket 47 to utilize a ball and socket configuration because the bracket 47 and coupling part 49 perform similar functions to the ball and socket configuration. The motivation for doing so would have to facilitate the tilting of the monitor relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 24, 49, 51-53).

Response to Arguments

6. Applicant's arguments contained with RCE that was filed November 23, 2004 have been fully considered but they are not persuasive.

Applicant amended his independent claims to delete the feature of a display device having a ball and socket joint. Applicant then presents three main arguments.

First, Applicant contends that Bang fails to teach a display device that is movably mounted within a recessed enclosure. Examiner disagrees with this assertion because Bang teaches how the computer system has a front face via top cover 11 that provides a partial recess by means of the bracket accommodating portion 23 wherein display 14 is mounted within the bracket accommodating portion 23 as shown in configuration of figure 2 (see figure 2 at 11, 23, column 5, lines 58-63).

Second, Applicant argues that Bang fails to teach a ball and socket. However, although Bang does not teach explicitly a ball and socket joint attached within the body, Bang teaches how a monitor bracket 47 has a coupling part 49 inserted into the bracket accommodating portion 24 to be coupled therewith so that the monitor bracket 47 allows the monitor 14 to be tilted relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 24, 49, 51-53). Thus, it would have been obvious to a person of ordinary skill in the art to modify Bang's bracket 47 to utilize a ball and socket configuration because the bracket 47 and coupling part 49 perform similar functions to the ball and socket configuration. The motivation for doing so would have to facilitate the tilting of the monitor relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 24, 49, 51-53). Applicant has failed to respond specifically to the obviousness rejection that espouses how it would have been obvious to a person of ordinary skill in the art to modify Bang's bracket 47 to utilize a ball and socket configuration.

Third, Applicant asserts that Bang fails to teach a device with three degrees of freedom of rotation. However, this feature is not claimed. In response to applicant's argument that the

references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., three degrees of freedom) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Rather, applicant claims "multiple degrees of freedom." Indeed, Bang teaches multiple degrees of freedom by teaching how the monitor 14 is capable of position adjustment by being both tilted (i.e., moved up and down), and swiveled (i.e, moved in a horizontal direction) with respect to the main body 10 (column 2, lines 3-10, figures 1, 5-8 at 10, 14; column 3, lines 61-67, figures 3, 4 at 10, 14). This clearly shows the feature of a display device having multiple degrees of freedom of movement.

Hence, applicant's amendments and arguments are not persuasive.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uchendu O. Anyaso whose telephone number is (703) 306-5934. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Uchendu O. Anyaso

12/10/2004

CHANH NGUYEN
PRIMARY EXAMINER